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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKE, NO.	CONFIRMATION NO.		
10/000,379	10/31/2001	Lalit K. Mestha	D/A1097 XER 2 0437	9053		
75	7590 02/24/2004			EXAMINER		
Patrick R. Roc	che	KOCH, GEORGE R				
Fay, Sharpe, Fa	gan, Minnich & McKee,					
7th Floor		•	ART UNIT	PAPER NUMBER		
1100 Superior A	Avenue	1734				
Cleveland, OH	44114-2518					

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicantic	•								
## Examiner Art Unit George R. Koch III 1734 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address **Period for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. E detentions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be limely filed ## The provision of the provision of 17 CPR 1.136(b). In no event, however, may a reply be limely filed ## The provision of the provision of 17 CPR 1.136(b). In no event, however, may a reply be limely filed ## The provision of the provision of the provision of 37 CPR 1.136(b). In no event, however, may a reply be limely filed ## The provision of the provision of the provision of 37 CPR 1.136(b). In no event, however, may a reply be limely filed ## The provision of the provision of the provision of 37 CPR 1.136(b). In no event, however, may a reply be limely filed ## The provision of the provi			Application	n No.	Applicant(s)				
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Art Unit: 1734

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-5, 10, drawn to a method of processing transient errors, classified in class 156, subclass 64.
 - II. Claims 6-9, drawn to a method of calibrating a color reproduction device, classified in class 156, subclass 64.
 - III. Claims 11-19, drawn to a system including a color measurement sensor, classified in class 156, subclass 378.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used without using the color replacement methods but simply to color generic items such as textiles.
- 3. Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §

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806.05(e)). In this case the apparatus can be used without using the color replacement methods but simply to color generic items such as textiles.

- 4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as being used to calibrate a car painting method prior to generic painting. See MPEP § 806.05(d).
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 7. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, nor Group III, restriction for examination purposes as indicated is proper.
- 8. A telephone call was made to Patrick Roche on 2/20/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George R. Koch III February 20, 2004

RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700